

1 **TIMOTHY H. BELLAS**

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7 **ATTORNEY FOR:** Petitioner Zhu

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE**
10 **NORTHERN MARIANA ISLANDS**

11 ZHU, LIAN KUN ,

12 Petitioner,

13
14 v.

15 UNITED STATES OF AMERICA,

16
17 Respondent.
18 _____

) CIVIL CASE NO. 08-00012

) CRIMINAL CASE NO. 03-00018

) **DECLARATION OF TIMOTHY**
) **H. BELLAS IN SUPPORT OF**
) **MOTION FOR EXTENSION OF**
) **TIME**

19
20 COMES NOW, TIMOTHY H. BELLAS, and states the following:

- 21 1. I am an attorney licensed to practice in the CNMI and an officer of this Court.
- 22 2. I am the CJA appointed attorney for the Petitioner in the above entitled matter and
- 23

1 competent to testify to the matters stated herein, if necessary.

2 3. In the course of representing the Petitioner I have made several attempts to contact
3 him by telephone in the institution in which he is incarcerated.

4 4. Such contact has been very difficult because he is in a facility on the East coast of
5 the U.S. mainland, requiring me to call after 11:30 p.m. or at 5:30 a.m. in order to contact the
6 Petitioner.

7 5. While I have not kept actual records of the dates that I have attempted to reach the
8 Petitioner, I have made more than eight attempts on eight separate dates to contact the Petitioner.
9 Some of these attempts consisted of more than one call on each date.

10 6. The usual process involves calling the main number of the facility and receiving a
11 voice mail message. I leave a message for the Petitioner's case manager, who was initially a Ms.
12 Shaw.

13 7. At times I have spoken with a person who has redirected my call to the case
14 manager's extension.

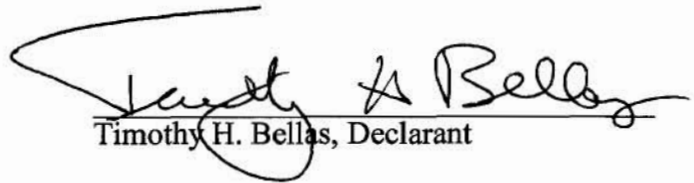
15 8. When I reach that number I get the direct voice mailbox of the case manager and
16 have left messages there.

17 9. As a result of these attempts, I have only been able to actually speak to the
18 Petitioner once and that was for less than 15 minutes because I was advised that he had to report
19 for "bed check".

1 penalty of perjury, other than that of Ms. Shi who was the interpreter at the Petitioner's trial and at
2 the time that the alleged conduct was reported to Mr. Matthew Smith.

3 19. I believe that it would be appropriate for me to discuss the results of my
4 investigative efforts with the Petitioner prior to submitting this matter to the Court for a ruling.

5 I declare under penalty of perjury that the matters stated herein are true and correct to the
6 best of my knowledge and belief and that this Declaration was executed on Saipan, CNMI on this
7 2nd day of April, 2008.
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Timothy H. Bellas, Declarant
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